

MICHAEL P. MATESKY, II
(WSBA# 39586)

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ELF-MAN, LLC,

NO. 2:13-CV-00115-TOR

Plaintiff,

DECLARATION OF MICHAEL P.
MATESKY, II, IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS, OR FOR MORE
DEFINITE STATEMENT

v.

CHARLES BROWN, et. al.,

Defendants.

1 I, Michael P. Matesky, II, make the following declaration based on my own
2 personal knowledge:

3 1. I am now and at all relevant times have been an attorney and principal
4 at Matesky Law PLLC. I represent Defendants Josephine Geroe and David Starr in
5 the above-captioned matter.
6

7 2. I also represent Defendants Eric Cariveau, Leon Kimmerling, Becky
8 Peloquin, and Steven Pelloquin in a nearly-identical suit filed by the Plaintiff Elf-
9 Man LLC in the Western District of Washington and proceeding under Judge
10 Lasnik: *Elf-Man, LLC v. Cariveau*, 2:13-cv-507-RSL (W.D. Wash.).
11

12 3. On October 30, 2013, I filed a Motion to Dismiss or for More Definite
13 Statement, Dkt. No. 60, in *Elf-Man, LLC v. Cariveau*, 2:13-cv-507-RSL (W.D.
14 Wash.).
15

16 4. On November 1, 2013, I also filed a Motion to Dismiss or for More
17 Definite Statement, Dkt. No. 76, in the above-captioned case, which presented the
18 same arguments as the motion filed in the Western District of Washington case.
19

20 5. Exhibit A attached hereto is a true and correct copy of Judge Lasnik's
21 order granting Defendants' Motion to Dismiss, or for More Definite Statement,
22 issued on January 17, 2014, in *Elf-Man LLC v. Cariveau*, No. 2:13-cv-507-RSL
23 (W.D. Wash.).
24
25

1 I declare under penalty of perjury under the laws of the United States that
2 the foregoing is true and correct. Executed on January 17, 2014 at Barcelona,
3 Spain.
4

5
6 s/ Michael P. Matesky, II

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8 Michael P. Matesky, II

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11 MATESKY LAW^{PLLC}

12 /s/ Michael P. Matesky, II

13 Michael P. Matesky, II
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21 Attorney for Defendants Josephine
22 Geroe and David Starr
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system on the date stated below, which will cause the foregoing to be electronically served on all parties of record who have consented to such electronic service.

Dated this 17th day of January, 2014

/s/ Michael P. Matesky, II
Michael P. Matesky, II

Certificate of Service